



ENGINEERS &  
GEOSCIENTISTS  
BRITISH COLUMBIA

IN THE MATTER OF THE *PROFESSIONAL GOVERNANCE ACT, S.B.C. 2018,*  
CHAPTER 47 (the “PGA”)

AND

IN THE MATTER OF MOHAMED MUSSA SWALEHE, P.ENG.

ENGINEERS AND GEOSCIENTISTS BC FILE NO. T20-012

**CITATION**

TO: Mohamed Mussa Swalehe, P.Eng.



**TAKE NOTICE** that a Panel of the Discipline Committee of the Association of Professional Engineers and Geoscientists of the Province of British Columbia, doing business as Engineers and Geoscientists BC, will meet virtually via Zoom Video Conferencing hosted by Charest Reporting, on a date to be determined, for the purpose of conducting a discipline hearing pursuant to the *PGA*. The *Engineers and Geoscientists Act, R.S.B.C. 1996, c. 116* (the “*EGA*”) was repealed and replaced by the *PGA* on February 5, 2021. While the allegations herein are made under the *EGA*, the proceeding against Mohamed Mussa Swalehe, P.Eng., commenced by this Citation is brought under and in conformity with the *PGA*, so far as it may be done consistently with the *PGA*, and the procedure established by the *PGA* will be followed as far as it can be adapted in this proceeding.

**AND TAKE NOTICE** that the allegations against you are that:

1. You failed to provide the Subcommittee of the Investigation Committee with a response to the professional conduct complaint made against you regarding the design of a sprinkler system for a medical office unit in a commercial building located at [REDACTED], Surrey, British Columbia (the “Project” ), a copy of your complete file for the Project, a detailed explanation of your qualifications relating to sprinkler design, and any experience you have which you believe qualifies you to design

sprinkler systems, as requested of you by the Investigation Subcommittee on multiple occasions including:

- a. By letter from Engineers and Geoscientists BC Investigator Jeremy Miller, dated April 7, 2020, sent to your preferred e-mail address ([REDACTED]@gmail.com);
  - b. By e-mail from Mr. Miller dated April 30, 2020 sent to you at [REDACTED]@gmail.com;
  - c. By e-mail from Mr. Miller dated May 15, 2020 sent to you at [REDACTED]@gmail.com;
  - d. By e-mail from Mr. Miller dated January 29, 2021 sent to your alternative email addresses ([REDACTED]@gmail.com and [REDACTED]@yahoo.com);
  - e. By e-mail from Mr. Miller dated February 8, 2021 sent you at [REDACTED]@gmail.com; and
  - f. By e-mail from Mr. Miller dated February 19, 2021 sent you at [REDACTED]@gmail.com.
2. The conduct as set out above at paragraphs 1(a) – (f) is contrary to section 30(4)(a) of the *EGA* which required that a member being investigated must provide the committee or subcommittee conducting the investigation with any information or records in the possession or control of the member that the committee or subcommittee may require.
  3. In the alternative, the conduct set out above at paragraphs 1(a) – (f) is contrary to section 14(b)(1) of the Engineers and Geoscientists BC Bylaws, created pursuant to the *EGA*, which required that members and licensees shall establish and maintain documented quality management processes for their practices, including, at minimum:
    - (1) Retention of complete project documentation which may include, but is not limited to, correspondence, investigations, surveys, reports, data, background information, assessments, designs, specifications, field reviews, testing information, quality assurance documentation, and other engineering and geoscience documents for a minimum period of 10 years;
  4. The conduct set out above at paragraphs 1(a) – (f) is also contrary to section 30(4)(b) of the *EGA*, which required that a member being investigated must answer, within a reasonable time and in the manner specified by the committee or subcommittee, any inquiries of the committee or subcommittee.

**AND FURTHER TAKE NOTICE** that you, Mohamed Mussa Swalehe, P.Eng., have the right, at your own expense, to be represented by counsel at the inquiry by the Panel of the Discipline Committee pursuant to s. 79 of the *PGA*, and you or your counsel shall have the full right to cross-examine all witnesses called and to call evidence in defence and reply in answer to the allegations.

**AND FURTHER TAKE NOTICE** that, pursuant to s. 78 of the *PGA*, in the event you fail to attend or remain in attendance at a discipline hearing under s. 75 of the *PGA*, the Panel of the Discipline Committee may, if satisfied that you have been notified of the hearing, proceed with the hearing in your absence and make any order that the discipline committee or panel could have made in your presence.

DATED this 18 day of May, 2021.

The Investigation Committee of Engineers and  
Geoscientists British Columbia

<original signed by>

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Per: Peter Helland, P.Eng.  
Chair, Investigation Committee